

HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

ORACLE AMERICA, INC.,)
Plaintiff,)
vs.) No. CV 10-03561
GOOGLE, INC.,)
Defendant.)

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Videotaped Deposition of Jeet Kaul, taken at
755 Page Mill Road, Palo Alto, California,
commencing at 9:28 a.m., Friday, August 5, 2011,
before Ashley Soevyn, CSR 12019.

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<p>1 Q. -- the Sun IP?</p> <p>2 A. You know, I do not know of direct facts of</p> <p>3 whether that stuff was communicated to Google or</p> <p>4 not.</p> <p>5 Q. Regardless of what was communicated to</p> <p>6 Google, are you aware of any facts that demonstrate</p> <p>7 that Google knew it was infringing Sun's Java IP? 11:58:29</p> <p>8 A. You know, my fundamental perception is that</p> <p>9 Google was an active participant of JCP. Many of</p> <p>10 Google employees were ex-Sun employees. All of them</p> <p>11 knew how we did licensing, what the core of it was,</p> <p>12 how we built the platform, what files were involved.</p> <p>13 And so I jumped to conclusion that they knew that 11:58:55</p> <p>14 this is happening, that this is the core business,</p> <p>15 so that's how I kind of jump to the conclusion, you</p> <p>16 know. I knew many of these former Sun employees,</p> <p>17 so --</p> <p>18 Q. Do you know whether any of the former Sun</p> <p>19 employees that you're referring to, who went to</p> <p>20 Google, worked on the Android project?</p> <p>21 A. At least one.</p> <p>22 Q. Who is that?</p> <p>23 A. It's Eric Chu.</p> <p>24 Q. Do you know what Mr. Chu did on the Android</p> <p>25 project, once he went to Google?</p> <p style="text-align: right;">98</p>	<p>1 rest of the day. And if anything comes to mind, let</p> <p>2 me know, but we can -- we can move on.</p> <p>3 A. Yeah.</p> <p>4 Q. We don't have to just --</p> <p>5 A. Right.</p> <p>6 Q. -- have you, you know, sit on the record 12:00:59</p> <p>7 thinking.</p> <p>8 Prior to Oracle acquiring Sun, do you know</p> <p>9 whether anyone from Sun ever told anyone at Google</p> <p>10 that Sun believed Google was infringing Sun's</p> <p>11 intellectual property with Android?</p> <p>12 MS. RUTHERFORD: Objection to form.</p> <p>13 THE WITNESS: So I categorically do not 12:01:36</p> <p>14 know that, but I was aware that -- I was made aware</p> <p>15 that there was some conversation like that that had</p> <p>16 happened.</p> <p>17 BY MR. PURCELL:</p> <p>18 Q. When you were made aware of some</p> <p>19 conversation like that that had happened, what</p> <p>20 conversation were you made aware of?</p> <p>21 A. I don't know this for a fact. So I just 12:02:01</p> <p>22 want to make sure you know that. I -- I don't</p> <p>23 remember who mentioned it to me, but I was told that</p> <p>24 there are people who had some conversation raised to</p> <p>25 people at Google.</p> <p style="text-align: right;">100</p>
<p>1 A. I was told that he was responsible for the 11:59:30</p> <p>2 open handset lines, formation of.</p> <p>3 Q. Do you know whether Mr. Chu did any work in</p> <p>4 developing the Android platform after he went to</p> <p>5 Google?</p> <p>6 A. I don't know. And that's not my</p> <p>7 perception, but I don't know. 11:59:59</p> <p>8 Q. Have you told me every fact that you're</p> <p>9 aware of that contributed to your belief that Google</p> <p>10 knew it was infringing Sun's Java IP?</p> <p>11 MS. RUTHERFORD: What he means is facts</p> <p>12 that you didn't learn from counsel.</p> <p>13 THE WITNESS: Oh.</p> <p>14 MR. PURCELL: No, if he learned a fact from</p> <p>15 counsel, he can testify to that. He can't testify</p> <p>16 to what counsel told him.</p> <p>17 THE WITNESS: So, you know, there are 12:00:30</p> <p>18 things that I'm kind of not right now jump in my</p> <p>19 mind. Maybe, you know, if over time today they come</p> <p>20 to mind, I can share, but right now --</p> <p>21 BY MR. PURCELL:</p> <p>22 Q. Right now, nothing comes to mind?</p> <p>23 A. No, no. I can spend some time thinking, if</p> <p>24 you would like me to, but --</p> <p>25 Q. Well, it's fine to think throughout the</p> <p style="text-align: right;">99</p>	<p>1 Q. Do you recall roughly what timeframe this</p> <p>2 conversation between Sun and Google took place?</p> <p>3 A. I don't remember right now, I'm sorry.</p> <p>4 Q. And you don't know who the participants 12:02:30</p> <p>5 were for Sun or for Google in this conversation?</p> <p>6 A. Absolutely, I, unfortunately, do not</p> <p>7 know.</p> <p>8 Q. During this conversation -- strike that.</p> <p>9 Is this one conversation that you were</p> <p>10 informed about the only conversation you're aware of</p> <p>11 that took place between Sun and Google, prior to the</p> <p>12 Oracle acquisition, regarding whether Android was</p> <p>13 infringing Sun intellectual property? 12:02:58</p> <p>14 A. This was the only conversation that I'm</p> <p>15 aware of, you know, other than, you know, the one</p> <p>16 meeting that I had personally, yes.</p> <p>17 Q. Well, let's hold off on the one meeting.</p> <p>18 We'll get back to that.</p> <p>19 During this conversation that you were</p> <p>20 informed of, do you know whether anyone from Sun</p> <p>21 identified any specific patents to Google that they</p> <p>22 claim were being infringed by Android? 12:03:23</p> <p>23 A. Okay. It's, again, kind of hard. No, I</p> <p>24 don't know if they list it, but, you know, my</p> <p>25 perception was that they probably, you know, talked</p> <p style="text-align: right;">101</p>